



THE MADRAS LEGISLATIVE COUNCIL

Saturday, 10th May 1952.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

I.—MOTION *RE* BREACH OF PRIVILEGE OF THE HOUSE ARISING OUT OF THE ISSUE OF ORDERS UNDER SECTION 144, C.P.C., WITH SPECIAL REFERENCE TO CERTAIN LEGISLATURE PARTIES.

MR. CHAIRMAN :—“ I have received a letter from the hon. Member Sri S. B. Adityan, which reads as follows :—

‘ I will raise a question of privilege arising out of—

(1) the promulgation of an *ex parte* order under section 144 of the Criminal Procedure Code on 6th May 1952 which contained false and insulting allegations against certain sections of the Members of this hon. House,

(2) physical obstruction and annoyance caused to Members of this House, who were on their way to attend the joint sitting of the Legislature.

And I will move that this matter be referred to the Committee of Privileges (Rule 143) for enquiry, and report to this hon. House.”

“ The hon. Member may explain the matter to the House.”

* SRI S. B. ADITYAN :—“ Mr. Chairman, Sir, I understand that the procedure for raising a question of breach of privilege of this nature is like this. First, the Member who gives notice of the matter will make out a *prima facie* case. Then the Hon. Chairman will hear both sides of the House and give a ruling as to whether a *prima facie* case establishing the breach of privilege has been made out or not. If the Chair rules that a *prima facie* case has been made out, a motion will have to be moved in the House, usually by the Leader of the House and, if he is unwilling, by any other Member, for referring the matter to the Committee of Privileges. Rule 143 of the Council Rules provides for the constitution of a Committee of Privileges. After the Committee goes into the matter and reports to the House, there will be a full discussion. As I am in the first stage, I have merely to make out a *prima facie* case to establish the breach of privilege. I take exception to two portions of the order promulgated under section 144. They are—

‘ (1) Whereas it has been made to appear to me that the Members of the Legislative Assembly and the Legislative Council of the Madras State belonging to the United Democratic and the Communist Parties . . . have decided to stage demonstrations on May 6, 1952, in front of the new Assembly Hall, Government Estate, Mount Road, by taking out processions, shouting slogans and carrying placards and flags . . .

and (2) that acts of violence and mischief are likely to be committed.’

The first part says that some Members of this hon. House have decided to stage demonstrations. As I understand the language, the second part also applies to the same Members of this House, though it does not specifically say so. Here are two definite allegations made against some Members of this House. I shall content

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myself with saying that neither the members of the United Democratic Party nor the Members of the Communist Party in this House decided to stage demonstrations as alleged. I say that the United Democratic Front comprises the Communist Party and therefore there is no point in talking about them as separate entities. Here is a very clear case of false and insulting allegations made against certain Members of this hon. House. It does not matter which section of the House is insulted. The breach of privilege of any Member or any section of the House, is a breach of privilege of the House as a whole.

“The second instance of breach of privilege that I have raised is with reference to the physical obstruction and annoyance caused to Members of this House who were on their way to attend the joint sitting of the Legislature. I shall content myself with reading from a signed statement of Sri S. Ramakrishniah, a Member of this House—

‘On the 6th instant I arrived at the gate of the Government House Estate just five minutes to 5 p.m. and was about to enter to attend the joint session of the Legislature. The policemen at the gate obstructed me and demanded the pass for my entrance. I said I am a Member of the Legislative Council and as such have a right to get in to attend the session. I also told them that passes had not been given to the Members and so they could not prevent me from attending on this account. My reasoning fell flat on their ears. They said: “May be, you are a Member, but how are we to know that? Unless you show us the pass, we cannot allow.” So, I was standing by the side of that gate wondering as to what should be done at that juncture. I was not allowed even to stand there. They told me in a menacing voice to clear out from there, because standing there constituted an offence. It was very humiliating. I made up my mind to go back. I had gone only a few yards when I met a Sub-Inspector to whom I narrated the whole story. He said: “There are Government Orders and they have got to be obeyed. You find fault with us, but we cannot help you.” I persisted in saying I had the right to enter and kept protesting. Finally after ten minutes the officer permitted me to go. As a result of the obstruction and molestation, I arrived five minutes late at the Assembly Chamber for the joint session of the Legislature.’

I do not know whether any authorities are required to show that obstruction to any Member while going to or coming from a meeting is a breach of privilege of the House. It is said on page 122 of ‘May’s Parliamentary Practice—’

‘It is a breach of privilege to molest a member of either House while attending such House or when coming to or going from it. . . . It is a gross breach of the privilege of this House for any person to obstruct and insult the members of this House in the coming to, or the going from, the House.’

Here is a clear case where a Member has been molested by being asked for a pass which he did not possess. He had been obstructed and detained with the result that he went late by five minutes. I need not adduce further evidence at this stage. Assuming that what has been said is true, a breach of privilege has been committed. I submit that I have made out a *prima facie* case. I request you to rule that a *prima facie* case has been made out so that the motion can be moved.”

* THE HON. SRI C. RAJAGOPALACHARI:—“Mr. Chairman, Sir, the request is that you should hold that there is a *prima facie* case of breach of privilege on the grounds stated. I respectfully submit that there is no *prima facie* case for the allegation that there has been a breach of privilege. The first ground stated was

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that the issue of the order under section 144 of the Criminal Procedure Code was itself a breach of privilege of this House. The terms of the order have been read by the hon. Member and I wish to submit that there is no aspersion cast on the Members of the House individually or collectively in that document. I only wish to ask you, Mr. Chairman, to consider the alternative case. Supposing a warrant had been issued by the Commissioner of Police that Mr. A. or Mr. B. who is a member of this House or a larger number of members of this House numbering from A to Z have committed such and such an offence and are therefore liable to be arrested. As a matter of fact certain cases have actually occurred when Members of Legislatures had been charged for offences. Then such a thing should not be construed as a breach of the privilege of the House, because whether the charge is right or wrong, there is provision for judicial proceedings in the Constitution for such cases. Now in this case, information had been received by the Commissioner of Police that certain acts were contemplated which would certainly lead to disturbance not only to the proceedings of the Assembly but also in the streets and roads around the Assembly. I can only say that if at the time when hon. Members had been summoned by His Excellency to hear his Address at the joint meeting of both Houses of the Legislature, the Commissioner of Police did not take suitable steps to prevent such a disturbance, and disturbance had occurred, then it would have been a great breach of privilege of the House. If the Commissioner had received information that such a thing would happen and the Governor had been asked to address without precautions being taken, I as an abettor and the Commissioner of Police as the principal offender would have been guilty of a serious breach of privilege of the Members of the two Houses of Legislature. Here the Commissioner of Police took measures under the instructions of the Government to prevent any such disturbance taking place in and around the Assembly hall and the streets and roads around the Assembly. Therefore I submit that it is wrong to assume that the order issued was a malicious one and that amounted to a breach of privilege of hon. Members of this House. 11-15 a.m.

“ My hon. Friend Mr. Adityan referred to the classical book, viz., May's Parliamentary Practice. Throughout that quotation the hon. Member could see that a breach of privilege would be construed to have been committed only if there had been molestation or insult. Therefore you will observe, Mr. Chairman, that it is *mens rea* that counts. An hon. Member on the other side has asserted that there was a breach of privilege. I assert, on this side, that the intentions of the Government and of the Commissioner of Police who acted under the instructions of the Government were not either to molest or insult any hon. Member. As a matter of fact, only to prevent the disturbance of peace the order had been issued. In the light of what I have said, you can see, Sir, that there is nothing in the order aiming at any slight or insult to hon. Members of this House.

“ The Commissioner of Police had received some information that a demonstration was going to take place. He had the discretion to decide whether the information he had received was

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trustworthy, whether it was sufficient for him to form any conclusions and whether there was refutation or confirmation of that information in the daily press devoted to the politics of the particular parties referred to in the information he had received. On a perusal of the daily press of these parties anyone with eyes and with an impartial mind could reasonably judge whether a demonstration and consequent disturbance could be expected or not on the 6th of May when the Governor was going to address both Houses of Legislature. If such a disturbance did not materialise then it may be that wisdom prevailed, or it is possible that the preventive steps taken proved successful or it may even be that the *locus paenitentiae* the particular party had was utilised and they stopped doing what they intended to do. As a matter of fact, Sir, you were present in the House at the time of the Governor's Address. You were present there when an enormous breach of privilege took place inside the House of which more will be heard later. I need not refer to that now. At any rate you were present and heard the shouts and slogans raised in the gallery as soon as the signal was given by a walk-out. I ask, Sir, if persons had come into the galleries with such a programme in mind, what would you expect the Government and their officials to do than to prevent such a thing happening and keep a watch over the people coming in?

"Now, Sir, it is stated that the promulgation of the order contains false and insulting allegations against hon. Members of this House. I submit that there is no false allegation aimed against any hon. Member whatsoever. If the issues of *Viduthalai* could be read by any one, one could clearly see that our expectation of a disturbance was clearly not wrong."

SRI S. B. ADITYAN:—"Sir, I should say that the *Viduthalai* did not say anything against the members of this House."

* THE HON. SRI C. RAJAGOPALACHARI:—"I see. I am glad indeed that you have said that much. If the issue of *Viduthalai* says that there would be a demonstration by all interested parties but does not specify names of persons and calls upon all and sundry to pluck up courage to do or die, for 'human beings may die at six or hundred', are we to take it that the information is not in the form of a general appeal to one and all to demonstrate? If under the circumstances the Commissioner of Police, even though he may not have concrete information, but had sufficient information to apprehend a danger to peace, was he not under an obligation to prevent that danger from taking shape? Sir, there is nothing insulting about the order. If I said on printed paper that Mr. Adityan or X or Y proposed to make a demonstration in front of the Assembly or behind the Assembly to be heard by the Members assembled there when the Governor is to address, I see nothing insulting. It is ordinary though rough politics. In fact demonstrations are the very essence of opposition politics. Therefore, I submit, once more, that there is no *prima facie* case having been made out.

"Now the Governor had to address both Houses of Legislature at 5 p.m. on the 6th of May 1952. An hon. Member of this House

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who had been summoned by the Governor to attend the joint session chooses, either for private reasons or to justify his authority, to arrive at the outer gates of the Government Estate at five minutes to 5 p.m., when the Governor must have already arrived and been in the procession towards the Hall. If at that time after the order has been promulgated the constable sees a gentleman coming in and begins to question him, I see nothing unjust or unfair about it. The hon. gentleman says, 'I am an hon. Member of the Legislative Council.' In fact any one could say that to gain entry. So far as the constable was concerned he was doing his duty. No breach of privilege had been committed. If the hon. Member arrived at the gate just five minutes to 5 p.m. and complains that the Government ought to have issued him a pass, I may say, Sir, that if I had taken such a step, I might be considered to have committed a still more serious breach of privilege of hon. Members. They might say: 'When we have been summoned by His Excellency to hear his Address to both Houses of the Legislature, is it not insulting that we should obtain passes? Are we attending a drama paying for tickets?' Well, that is a debatable question. I leave it at that. Unfortunately mistakes do take place at times. But I maintain that it is perfectly easy for any hon. Member to impress by his behaviour his position when he is confronted by a constable or any public servant. Unfortunately Sir, when passions run high we do often forget what is taking place around. I am sure that if my hon. Friend Mr. Adityan had been a constable—I know his temperament to some extent—and had been stationed there, he would have acted more roughly than the constable; perhaps he would have been firm also and refused to yield to the Member's request.

"I am also a Member of this House. I was there before time. The Governor was to address both Houses of Legislature. It was not a business meeting. It was a meeting when His Excellency was to address the legislators, after having been conducted to the dais by the Hon. Speaker and the Hon. Chairman. At that time the hon. Member arrives at the gates, not the inner doorway of the Assembly Hall but the outer gates of Government Estate. It is a known fact that in and around the Assembly building there are a large number of completely built, partially built and incomplete houses. He would have taken more than ten minutes walking to cross all these from his starting point. I only request that no great fuss be made about this incident. I say this is nothing but a cover for the great breach of privilege that was made inside the hall.

"I therefore respectfully submit that there is absolutely no *prima facie* case made out. I may mention here Sir, that in the other House yesterday the Speaker gave a ruling that the allegations made were *prima facie* justified but the House rejected the motion. But here you have an independent right to sit in judgment and decide whether a *prima facie* case has been made out or not."

SRI C. RAJESWARA RAO :—"Mr. Chairman, first I did not like to speak on this occasion and waste time; but since the

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Hon. Chief Minister, Rajaji, has made certain allegations against the Communist Party and the United Democratic Front, I am constrained to reply. All these years the Communists were not allowed either inside the Assembly or outside to play their part as legislators. During the last five years only two Communist Members were in the previous Assembly and these two members were for some time in jail and they were not allowed to reply to the charges actually made against the Communists then. Actually the Congress Government in existence at that time were afraid to let the two Communist Members talk what they wanted to, in the Assembly Chamber. Now the insinuation has started again and yesterday, Rajaji has declared a war against the Communist Party. I am going to reply to those charges not now but some time afterwards. I want now to say only one thing. Rajaji and his Government are acting with prejudice against the Communists. At one time Rajaji has observed that we should act with commonsense. If Rajaji had thought that there was going to be a demonstration by the Members belonging to the United Democratic Front, then he ought to have consulted the legislators and found out whether that information was correct. He ought to have consulted the leader of the Communist Party as well as the leader of the United Democratic Front. Then of course he would have been provided with all the information he wanted to have. But, that was not done. In the circumstances, to make an insinuation that they have secretly decided on a demonstration, is not correct. I want to state, Sir, that no such decision was taken either by the Communist Party or by the United Democratic Front.

11-30 a.m. "Next, Sir, I want to state that my objection to the order under Section 144 is that it is political. Even from the commonsense point of view, especially when we are starting this Legislature on the basis of adult franchise and on the basis of the Republican Constitution, it is not a good augury to begin the Governor's Address with an order under section 144. It speaks ill of the Government to have begun the whole proceedings of the Legislature with an order under section 144. I beg Rajaji to act with commonsense, as he himself has been advising others to do, in respect of every problem that comes before him. Of course, if the House or the Government want a thing to be decided with commonsense, yes, we are ready and on behalf of the Communist Party, I state on the floor of this House, that I will be the first man, to act with commonsense. So, Sir, my objection to the promulgation of the order under section 144 is from the political and commonsense point of view."

* SRI S. B. ADITYAN :—"Sir, the only point now for decision is, not on the question of policy and not even in regard to the promulgation of the order under section 144. I am afraid, the Hon. the Chief Minister has thoroughly misunderstood me when I stated my objection to the order under section 144. The question of privilege I raise is based on the allegation of the Commissioner of Police contained in the preamble to the order. I say that it is a false and insulting allegation against the Members of

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the House, to say, that these Members have made certain decisions like that. I am not, of course, objecting here to the promulgation of the order, not even to the precautions which were taken.

“ Then, Sir, it is a travesty of facts and reasoning when the Hon. the Chief Minister says that for a function to commence at 5 o'clock, a Member who comes 5 minutes before 5 is late, and he is a late comer. It is really surprising.”

* SRI V. CHAKKARAI CHETTY :—“ Mr. Chairman, Sir, I have been listening with rapt attention to the speech of the Hon. the Chief Minister. I do not think that in my career of more than quarter of a century I have listened to a string of sophistries more calculated to mislead than those which our Hon. Chief Minister had the good fortune to indulge in.

“ Well, Sir, on the morning of the 6th when I read the Hindu where this order appeared, I was rather taken aback, for the simple reason that being a member of the United Democratic Front, I knew that at none of the meetings of the Democratic Front, was a resolution passed as alleged in the Police Commissioner's order. After all, the Police Commissioner acted not independently, but under instructions from the Chief Minister, and I believe, the Chief Minister, unfortunately for him, seems to have been misguided in this matter of the allegation that the United Democratic Front have resolved upon staging a demonstration of this kind. I agree with him that the staging of a demonstration is by no means a bad thing. He said that it might be a good thing. Well, Sir, the Chief Minister's memory has not become short during the last one month. Long, long ago, the Congress Party staged even worse demonstrations than the one which was alleged to have been contemplated by the Democratic Front. During the days of the Simon Commission, I remember what a huge demonstration was made, and I was happy over it, because it was a legitimate and constitutional right of a citizen to make a demonstration. But, this order goes on to say that in consequence of this demonstration, acts of violence and mischief are likely to take place. That is the gravamen of the charge against the United Democratic Front. Sir, I am a man of peace and I have never indulged in any acts of violence like some of my colleagues in those days. That is why I speak with a clear and a clean conscience about this matter. I would never have been a party to any act of violence and I would have been the first to voice my protest against any attempts to launch upon any acts of violence. Therefore, Sir, it is an insult and an insinuation against the Members of this House, responsible men, who have been elected to this House, to say that they have decided upon acts of violence. That is the reason why I was saying that the Hon. Chief Minister was acting under some evil genius in the matter of persuading his subordinate officer, the Commissioner of Police, to issue an order like that.

“ Sir, I am not here going to speak about the quality of the politics of the Chief Minister on this occasion. But I only wish to say this. If you believe, Sir, that a Member ought to have

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been present at the Chamber half an hour before the meeting began, and not to have done so was his fault and so the police officer came to challenge him, I would only say this, that the Chief Minister with his foresight and wisdom ought to have been able to foresee the consequences of the promulgation of such a very ill-conceived order as this. While inaugurating the first session of our Legislature, the promulgation of such an order imposed a burden upon the Members of this House and of the other House. He ought to have foreseen the consequences and that Members would be stopped at the gates. But, he said that he did not anticipate that the police officer would challenge the right of a Member. He did not anticipate that identity cards should be issued. He went on making all sorts of conjectures and all sorts of speculations. But, I wish to say this, Sir, that the Chief Minister who undertook to promulgate an order like this ought to have been good enough and wise enough to foresee the consequences that would have followed.

“ I do not believe that it is necessary for this Legislature, and the Members of this House, to be guarded and safeguarded by the inspiring presence of the police, even within the precincts of the Assembly or the Council or outside. We have only to take care of ourselves.

“ Sir, I have only one more remark which I wish to add before I sit down. A *prima facie* case has been made out, as the Hon. Speaker of the Assembly has pointed out. But the only thing that strikes me is this: this order was promulgated not to prevent violence, not to prevent molestation of the public, but only to safeguard the dignity of the Chief Minister and his Colleagues. It was not for our purpose; it may be for the purpose of safeguarding the dignity of the Governor; it was not for the purpose of safeguarding the interest of the public but for safeguarding the interests of the Ministers and for exalting the dignity of the Ministers by parading the policemen. In the guise of maintaining law and order, they have come forward to molest humble people like us going to the Legislature. Sir, could the Chief Minister say that as a member of the United Democratic Front I ever indulged in acts of violence? It seems to me to be a preposterous conclusion to arrive at. To add to this, he has supported his conclusion by a string of falsities and sophistries and says that this is no place for raising the question of privileges of Members of the House.

“ Mr. Chairman, I do not want to say anything by way of condemnation because as you know and as Rajaji knows, I have a great deal of respect for him and I have known him for a long time, but I am sorry to say that he has now got into a trap and it may be he will have more occasions to repent for the duties he has undertaken upon himself.”

SRI A. SUBRAMANIAM :—“ கனம் தலைவர் அவர்களே, கனம் அங்கத்தினர் எஸ். பி. ஆதித்தன் அவர்கள் இம்மாதம் 6-ம் தேதி சென்னை சட்டசபை முன்பாக சிறகில் இடங்களில் நடந்த சம்பவங்களைப் பற்றி இங்கே குறிப்பிட்டார். அவர் குறிப்பிட்டதை நான் அழுத்தந்திருத்ததாக கண்டித்து எதிர்க்கிறேன். ஏனென்றால் இந்தக் காலத்தில் ஜனநாயகம்

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நடைபெற்று வருகிறது. மக்களுக்கு எல்லா வகைகளிலும் சுதந்திரம் இருக்கிறது. அதிலும் குறிப்பாக ஒரு அளவிற்குத்தான் சுதந்திரம் இருக்கிறது. எந்த அளவிற்கு நமக்கு ஜனநாயகத்தில் பங்குண்டு என்பதை ஒவ்வொருவரும் உணர்ந்து கொள்ளவேண்டும். சிற்சில சமயங்களில் அதில் சிற்சிலர் தவறிவிடுகிறார்கள். ஒருவருக்கு ரோடிஸ் தடியை சுழற்றிக்கொண்டு போவதற்கு உரிமை உண்டு. ஆனால் பிறர் தலை மீது அது படடால் தடியை சுழற்றுவதை நிறுத்திக் கொள்ளவேண்டும். பிறர் மேல் படும்படியும், மற்ற மனிதனுக்கு உபத்ரவம் உண்டு பண்ணுவதாக இருந்தாலும் தடியைச் சுழற்றுவதை நிறுத்திக் கொள்ளவேண்டும். இதைக் கூட ஒரு சில முக்யஸ்தர்களும், அறிவாளிகளும் உணர்ந்து கொள்ளவில்லை.

“அது போன்று பத்திரிகைகள் என்பது எல்லோருக்கும் பொதுவானது. பத்திரிகைகளில் எழுதும் விஷயங்கள் எல்லோருக்கும், குறிப்பாக இந்த மாகாணத்திலுள்ள மக்களின் நலன்களைக் குறிக்கவேண்டும். மக்களுக்கு பாதகம் ஏற்படாவண்ணம் குறிப்பிடப்பட வேண்டும். அப்படி சில பத்திரிகைகள் செய்வதில்லை. இம்மாகாணத்திலுள்ள சில பத்திரிகைகள் இப்பொழுது அவ்விதம் நல்ல முறையில் எழுதுவதில்லை. அரசாட்சியை குறைகூறிக்கொண்டே எழுதி வருகின்றன. சென்னையில் ராஜாஜி அரசாட்சி ஏற்பட்டிலிருந்து சில பத்திரிகைகள் தங்களுடைய பொறுப்பை உணராமல் தாறுமாறாக நடந்து கொண்டுவருகின்றன. சில சமயங்களில் அவ்விதம் மக்களிடையே வீழ்ச்சி ஏற்படும்படி எழுதுவதற்கு சில சட்டசபை அங்கத்தினர்களும், சில பத்திரிகை ஆசிரியர்களும், சில கட்சிகளின் அங்கத்தினர்களும் தான் காரணம் என்பதை நான் பட்சபாதம் இல்லாமல் நியாயமான முறையில் இந்த சட்டசபையில் குறிப்பிட முடியும். அவைகள் என்னவென்றும் கேட்கலாம். கடைசி வாரங்களில் வெளிவந்த விடுதலைப் பத்திரிகைகளைப் பார்த்தேன். தினத் தந்தியையும் பார்த்தேன். அவைகள் ரொம்பவும் கண்ணியக் குறைவாகவும் அங்கத்தினர்களை தாறுமாறாகவும், கனம் மந்திரி மாணிக்கவேலு நாயகரைப் பற்றி தாறுமாறாகவும், ‘எழுமின், காரி உமிழங்கள், துரோகி’ என்றும் எழுதி வந்திருக்கின்றன. கருப்புக் கொடியை பிடியுங்கள் என்று திராவிடக் கழகமும், திராவிட முன்னேற்ற கழகமும் கூறி வருகின்றன. இன்றைய தினப் பத்திரிகையைப் பார்த்தாலும் தெரிய வருகிறது”

SRI S. B. ADITYAN :—“On a point of order, Mr. Chairman. The hon. Member is talking about the Dravida Kazhagam and Dravida Munnetra Kazhagam about whom and their actions we are not discussing to-day.”

SRI A. SUBRAMANIAM :—“அந்தப் பத்திரிகையை நடத்துபவர் இங்கு அங்கத்தினராக இருப்பதால் நான் இந்த விஷயங்களை இப்பொழுது குறிப்பிடுகிறேன் என்பதை கனம் தலைவர் அவர்களுக்கு தெரிவித்துக் கொள்ளுகிறேன். இந்த நிலைமையில் கனம் மந்திரி மாணிக்கவேலு நாயகரைப் பற்றியும் தாறுமாறாக எழுதியிருக்கிறது. கனம் மாணிக்கவேலு நாயகருக்கு கொடும்பாவி கட்டி இழுக்க வேண்டுமென்றும் பத்திரிகைகளில் எழுதி இருக்கின்றன. அதிலும் குறிப்பாக தினத்தந்தி அவரை எதிர்த்து தாறுமாறாக எழுதியிருக்கிறது. அந்தப் பத்திரிகைக்கு இந்த அங்கத்தினர் சம்பந்தப்பட்டிருப்பதால் வேறு அத்தாட்சி தேவை இல்லை.”

SRI S. B. ADITYAN :—“The hon. Member is making certain 11-45 allegations which are not correct. I am not the editor of the *a.m.* newspaper that he is referring to and moreover such allegations are irrelevant.”

MR. CHAIRMAN :—“Let the hon. Member confine himself to facts.”

SRI A. SUBRAMANIAM :—“நான் உண்மையைத்தான் சொல்லுகிறேன். உண்மையை ஒளிக்கவுமில்லை, அதிகப்படுத்தியும் கூறவில்லை.

[Sri A. Subramaniam]

[10th May 1952]

இந்தச் சந்தர்ப்பத்தில் அந்தப் பத்திரிகையை இங்கு கொண்டு வரவில்லை. சந்தர்ப்பம் வரும்பொழுது அந்தப் பத்திரிகையைக் கொண்டு வந்து தங்கள் முன்பு வைக்கிறேன். கனம் மந்திரியைப்பற்றி பகிரங்கமாக வெளிப்படுத்தி இருப்பதை எடுத்துக்காட்ட மற்றொரு சமயம் அவகாசம் இருக்கிறது. அப்பொழுது அதைக் காட்டுகிறேன். இம்மாதிரியாக தாறுமாறாக எழுதி சர்க்காருக்கு எதிராக கிளர்ச்சி செய்ய ஒரு சிலரை தூண்டவும், சில பத்திரிகைகளை விஷயங்களை வெளிப்படுத்தியிருப்பதால் அவைகளைத் தடுக்க இம்மாதிரியான குறிப்பிட்ட 144 உத்தரவை அரசாங்கம் போட்டிருப்பது ரொம்பவும் நியாயமானது. அதற்கும் வேண்டுமென்றால் சட்ட திட்டத்தில் ஆதாரம் இருக்கிறது. இந்த மாதிரியான எண்ணமுள்ள சில அங்கத்தினர்கள் இருக்கும்பொழுது 144 போடுவதால் உரிமை பறிபோகிறது என்று சொல்வது யாரும் ஒத்துக்கொள்ளக் கூடியதல்ல. கனம் மாணிக்கவேலு நாயகருக்கு கொடும்பாவி கட்டி இழுக்க வேண்டுமென்று பிரசாரம் செய்வது சரியா? அவர் ஒரு பொறுப்புள்ள அரசாங்கத்தில் இருக்கிறார் அல்லவா? ஜனநாயக அரசாங்கத்தில் அவர் ஒரு பெரிய பதவி வகிக்கிறார். அவர் ஏதாவது தவறு செய்திருந்தால் அவரை தேர்தலில் பார்த்துக்கொள்ள வேண்டும். அவரை தேர்தலில் விடுங்கள் என்று சவால் விட்டார்கள். நன்றாகப் பாருங்கள். ஒரு சில மந்திரிகள் போன தேர்தலில் தோற்றுர்கள் என்றால் அவர்கள் கொள்கைகளில் மாறினார்கள். பொது ஜனங்களுக்கு நன்மை செய்யத் தவறிவிட்டார்கள். அவ்விதம் கனம் மாணிக்கவேலு நாயகர் அவர்கள் தவறுதலாக நடந்தால் மறு தேர்தலில் பார்த்துக்கொள்ளலாமே?

“இப்பொழுதிருக்கும் நிலைமையில் கனம் ராஜாஜி அவர்கள் செய்த காரியம் நியாயமானது. அவரிடம் பொது ஜனங்கள் அவ்வளவு பேரும் அன்பு செலுத்துகிறார்கள். அவருடைய ஆட்சியை வரவேற்கிறார்கள். அவருக்கு எதிர்ப்பு கூடாது என்றும் சொல்லுகிறார்கள்.

“இன்று அவரை எதிர்க்க வேண்டுமென்று கருப்புக் கொடி காட்டியவர்களையும், கொடும்பாவி கட்டி இழுக்கப் போகிறோம் என்று சொன்னவர்களையும் எதிர்த்துப் போராடப் போகிறோம் என்று ஜனங்கள் சொன்னதால்தான் இந்த உத்தரவு போட்டார்கள். சென்னையில் அவர்களை எதிர்க்க லட்சக்கணக்கான ஜனங்கள் தயாராக இருக்கிறார்கள். அவர்கள் எரிடத்தில் அவ்வாறு செய்யவேண்டாமென்று நாங்கள் கேட்டுக்கொண்டோம். அவர்களும் அதற்கு இணங்குகிறார்கள். அதனால் ஏதாவது விபரீதங்கள் ஏற்படாமலிருக்கும் பொருட்டும், யாதொரு பங்கமும் ஏற்படாமலிருக்கும் பொருட்டும் அதற்காக இரு கட்சிகாரர்களுக்கும் பொதுவாக 144 உத்தரவு போட்டதும் நியாயமானது. யாராயிருந்தாலும் தவறு செய்கிறவர்களைத் தடுப்பதற்கு அரசாங்கத்திற்கு சந்தர்ப்பம் இருக்கிறது. நியாயம் இருக்கிறது. ஆகவே எதிர்ப்புக் கூட்டங்கள் கூடாது. தடியை சுழற்றிக்கொண்டு பிறருக்கு உபத்தேயம் செய்ய வேண்டாம் என்பதற்காகத்தான் 144 உத்தரவு போடப்பட்டது. இதை எதிர்க்க பொது ஜனங்கள் கூடிக்கொண்டு லட்சக் கணக்கான மக்கள் திரண்டு வந்து யாதொரு நிகழ்ச்சியும் நடக்கக்கூடாது என்பதற்காகவேதான் தடை செய்தார்கள். ஆகவே ஜனங்களுடைய எழுச்சி அதிகமாக இருந்து கொண்டிருக்கிறது. இவ்வித நிலைமையில் போலீசார் சாதாரணமாக எடுத்துக் கொள்ளவேண்டிய நடவடிக்கையைத் தான் எடுத்துக் கொண்டிருக்கிறார்கள். கூடுமான வரையில் அங்கத்தினர்களுக்கும் பொது ஜனங்களுக்கும் பாதகம் ஏற்படாத வரையில் அன்று அவர்கள் நடந்து கொண்டிருக்கிறார்கள். ஏதோ ஒரு சம்பவம் நடந்திருக்கிறது. அதற்காக வருத்தப்படுகிறோம். அந்த உத்தரவினால் சலுகை குறைந்து விட்டது என்பது அர்த்தமல்ல. ஒவ்வொருவருக்கும் உரிமை உண்டு. எப்படி நடந்துகொள்ள வேண்டுமோ அவ்விதம் நடந்து கொள்வதற்கு உரிமை இருக்கிறது. ஆனால் பிறரை பாதிக்கும்படியாக நடந்து கொள்ளக்கூடாது. பொது மக்களுக்கு பாதகம் செய்யக்கூடாது என்பதை தெரிவித்துக்கொண்டு நான் கனம் எஸ். பி. ஆதித்தன் கொண்டு வந்த பிரேரணையை எதிர்க்கிறேன்.”

* SRI B. V. SUBRAHMANYAM :—“ Mr. Chairman, Sir, I must confess that when I came here this morning I had no intention of speaking on this subject. But when I heard the Hon. Chief

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Minister this morning, it struck me that as one who is not in the counsels of the party which, as the Government, passed the order under section 144, nor in the counsels of the United Democratic Front or the Communist Party about which we have heard something, I was in a better position to offer my views on this subject. The Hon. Chief Minister says that no *prima facie* case has been made out, and this he says without making an enquiry into the allegations of the hon. Members of this House about the action of the Police. No enquiry has been made into these allegations. If an enquiry had been conducted and these allegations were proved to be incorrect, then it is all right. That has not been done. The very action of the Police just outside the Assembly Chamber where the hon. Members of this House and the other House were to meet was indicative of what would happen or rather must have happened because of the promulgation of the section 144 order under the orders of the Government. It seems to me most childish and puerile and unworthy of anybody who can call himself a statesman of some worth if he were to say that no *prima facie* case has been made out in this case. As far as the privileges of the Members of this House are concerned, the House is not the Congress Party or the Communist Party or the United Democratic Front or any other party. It is entirely itself. It has a separate entity. The privilege of every single Member of this House should be safeguarded and protected, and nobody should be allowed to interfere with the privileges of the hon. Members of the House. In this particular case, there is absolutely no meaning in saying that no *prima facie* case has been made out. If the Hon. Chief Minister who has had training in law were to say that no *prima facie* case has been made out in this instance, then it is unworthy of that training. By his argument he has attempted to establish that no case has been made out for investigating whether the privileges of the hon. Members of the House were infringed or not. He seems to think that he is the final arbiter in all these matters. We cannot have the rights of hon. Members staked on the opinion of one man or of one party or of the Government. I trust that you, Sir, as Chairman of the House and as the guardian of the privileges of the hon. Members of the House, will not allow yourself to be placed in the hands of the Government or in the hands of that party which only thinks of itself and not of the whole House."

* THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Chairman, I did not wish to interrupt at this stage of the discussion. But I have to interrupt as the last speaker made a very objectionable remark in his speech by almost threatening you with a charge of partiality if you gave your decision in one way. I am afraid that the hon. Member has not weighed his words in that respect. I only wish to point out that the discussion on this point has been too long or rather longer than necessary. I think, it is only your ruling that is to be sought for now.

" After hearing my old friend Sri Chakkarai Chetti, I thought that I omitted one point and I now wish to supplement my speech with a few words on that point. The argument that the statement contained in the latter part of the order of the Commissioner of Police relating to the disturbance of public tranquillity and breach

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of peace should be understood to be breach of peace on the part of the Members referred to in the earlier part of the order is not correct. Even in an ordinary case where a particular thing has been done and there was a likelihood of the peace being disturbed, we must interpret it in this way only, namely, that as certain things were done and as certain other consequences would follow resulting in the disturbance of the peace, necessary action should be taken to prevent such a thing from happening. Whatever may be the point, it is not right to interpret the order in any other manner. A proper reading of the order will give the plain meaning. I do not wish to accept a wrong interpretation.

"I have once again to refer to the speech of the hon. Member Sri B. V. Subrahmanyam who spoke last. He appeared to quote my arguments. But I am afraid that his quotation was much longer than the original itself. I did not say all that he said. Hon. Members of the House have heard what I have said. The only point is this. If a certain step is taken by the Commissioner of Police for preventing certain things from happening, the information that he had and the reason for his taking such action have to be mentioned in the order according to the Act under which he is operating. Whether his information is correct or not is not a matter for us. It is a matter for the tribunal which has jurisdiction to review such orders. To say that certain information given to the Commissioner of Police is not right and so the whole thing should be treated as a breach of privilege and a Committee should enquire into the matter is something like assuming that we have become, so to say, a High Court, and more than that, a High Court attempting to try even original cases in regard to such matters. I submit that it is wrong to take such a view. The issue before the House is a very simple one. All that has to be decided is whether there is a *prima facie* case for considering this as a breach of privilege. I submit that there is no *prima facie* case."

MR. CHAIRMAN :—"I have listened to the speeches of the hon. Members.

(At this stage an hon. Member stood up and wanted to speak.)

"The hon. Member may resume his seat. When the Chair is on its legs, no hon. Member should stand. I am not going to permit any more speeches. As a matter of fact, many hon. Members have spoken.

"On receipt of the motion from the hon. Member Sri S. B. Adityan, I have given my very careful consideration to the question and I am convinced that the promulgation of the order under section 144 was necessary for protecting the whole House as well as the public. I am confident that the ruling that I am going to give is an independent ruling. It has been mentioned that in the other House a similar motion was allowed. But I would like to mention here that I am not guided by the rulings given in the other House. I am entitled to come to my own independent decision. I feel that no *prima facie* case has been made out. So, I rule the motion out of order.

"Now, let us proceed to the next item on the agenda, namely, 'Discussion on His Excellency the Governor's Address'."